IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1411/06

Shri.Badruddin Bashir Khan .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.Shyamkumar V. Marwadi Adv. for the applicant.
Shri.Y.S. Shinde APP for the State.

CORAM : V.M. KANADE, J.

DATED : 04/05/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.305/2005 registered J.J. Marg Police Station for the offences punishable U/s.342, 377 and 506(2) of IPC.

3. It is the case of the prosecution that victim Mahmmed who is a 10 year old boy used to come to the applicant's house and play games on computer with his son. It is alleged that on the date of incident

victim had gone to the house of applicant to play games on computer. The applicant took him inside his house and on the pretext of showing how to use computer committed sodomy. The applicant threatened him not to inform the police by showing him a knife. Victim, however informed his teacher and thereafter, she called father of the victim and complaint, therefore was lodged after lapse of 10 days.

4. I have perused the statement of victim. This is very grievous offence which has been committed on child who is tender age of 10 years. In my view, this is not a fit case for grant of bail and applicant is likely to tamper with the evidence. The application for bail is rejected. Trial is however, expedited. Trial court is directed to decide the case expeditiously within a period of six months. If the trial is not over within a stipulated period, liberty is granted to apply for apply.

5. The Trial Court shall not be influenced by any observations made by this Court while rejecting the application and it shall not be construed as an expression of opinion on merits of the case and it

shall decide the case on its own merit and in accordance with law.

6. The application is accordingly disposed of.

V.M. KANADE J.